

### **REMARKS**

This responds to the Office Action dated October 1, 2010.

Claims 17, 27, 44 , 55 and 56 are amended, no claims are canceled, and claims 60-79 are added. As a result, claims 1-8, 17-38., 44 and 55-79 are now pending in this application.

#### **Amended Claims**

The amended claims find support (1) at page 3, line 26 to page 4, line 1 ( amending “television broadcast system” to “interactive broadcast network”), (2) at page 4, lines 16-18 (“interactive device having or controlling a display device”), (3) at page 4, lines 16-18; page 6, lines 29-30; and page 10, lines 14-17 (“respectively customized by said video game server for each of the at least two players”), and (4) at page 7, line 29 to page 8, line 5 (set top box can be an interactive device [which is] an “electronic device selected from the group consisting of a set top box, a personal computer, a hand held wireless device, and an Internet appliance”). No new matter has been added by the amendments.

#### **New Claims**

Claims 60-79 are new. Support for the new claims may be found in the specification, such as (1) at page 4, lines 16-18 (“interactive device having or controlling a display device”), (2) at page 3, lines 6-8 (“role playing game”), (3) at page 7, line 29 to page 8, line 5 (set top box can be an interactive device [which is] an “electronic device selected from the group consisting of a set top box, a personal computer, a hand held wireless device, and an Internet appliance”), and (4) (“respectively customized by said video game server for each of the at least two players”). Applicants believe that no new matter has been added in the new claims. Additionally, Applicants respectfully submit that the new claims include limitations that are the same as or similar to the limitations discussed below and are patentably distinct over the references

currently cited as a basis of rejection, for the same reasons discussed below. Accordingly, Applicants respectfully request that the Examiner consider and allow the newly added claims.

*Notice of Invocation of 35 USC § 112, sixth paragraph*

Applicants' representative notes the invocation of 35 USC 112, sixth paragraph, with respect to claim 55 and the claims dependent thereon. Claim 55 and the claims dependent thereon have been amended to avoid the invocation.

*The Rejection of Claims Under 35 USC § 103*

Claims 17, 19-32, 34-38, and 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over W.O. 99/00163 to Eilat et al. (hereinafter Eilat).

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eilat in view of U.S. 6,335,744 to Korilis et al. (hereinafter Korilis).

Claims 18 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilat in view of Creating a live Broadcast from a Virtual Environment, Computer Graphics Proceedings, Annual Conference Series, by Greenhalgh et al. (hereinafter Greenhalgh).

Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilat in view of U.S. 6,758,754 to Lavanchy et al. (hereinafter Lavanchy).

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eilat in view of Korilis, in further view of Lavanchy.

*The Law in respect of obviousness rejections under 35 USC § 103*

Although other rationales for rejection under 35 U.S.C. § 103(a) may exist, the basis for an obviousness rejection is still grounded in a consideration of all claim elements. “All words in a claim must be considered in judging the patentability of that claim against the prior art.”<sup>1</sup> Additionally, to render the claimed subject matter obvious, the prior art references must teach or suggest every feature of the claims.<sup>2</sup> Applicants traverse the above rejections under Section 103. Applicants respectfully submit that Eliat, either alone or in any combination with Korilis, Greenhalgh and Lavanchy, does not disclose all the limitations of the pending claims and, in any event, a skilled artisan would not have been motivated to combine their teachings.

**The Office Action has not made out a *prima facie* case of obviousness**

Independent claims 17, 27, 44 and 55, and dependent claim 56, have been amended to clarify the limitations of the claim and to delete unnecessary limitations. Further, the independent claims have been amended to provide:

generating video images in said video game server in response to said signal, for broadcasting a view of the game that is respectively customized by the video game server for each of the at least two players;

Applicants’ representative notes the Examiner’s statements in the Office Action<sup>3</sup> that the features on which Applicant relies “are not recited in the rejected claim(s).” Therefore, the above claims have been amended to expressly recite the above-quoted features. It is now expressly claimed that the view of the game “is **respectively customized by the video game server for each of the** at least two **players**.” Thus, each player sees a different view of the game. The

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<sup>1</sup> *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03.

<sup>2</sup> See Manual of Patent Examining Procedure §§ 706.02(j), 2143(A) (2008); MPEP § 2142 (2006) (citing *In re Vaeck*, 947 F.2d, 488 (Fed. Cir. 1991). Cited approvingly in *Ex parte WEN* and *PATRICIA NG* at 7; Appeal No. 2009-000776; decided September 25, 2009.

<sup>3</sup> See Office Action, page 10, lines 16-21.

Office Action stated<sup>4</sup> that the claims previous to the instant amendment did “not necessarily indicate that each player has his own customized view, but rather indicated that the at least two players see a customized view.” The Office Action then goes on to state that two players seeing the same customized view is shown by Eliat at page 22, line 24 to page 23, line 3. The claims, as amended, now expressly require that each player sees a **different** view of the game,<sup>5</sup> the claims now require a feature that is not disclosed by Eliat, which, as stated in the Office Action, discloses only that two players see the **same** customized view. Applicants’ representative has studied the other prior art of record and can find no disclosure of different players each seeing a different view of the game.

Applicants’ representative also notes the comment in the Office Action<sup>6</sup> that not expressly reciting that the customization is performed by the server results in a claim that can be read broadly as being customized at the receiving end. The claims have now also been amended to expressly recite that the customization is performed by the server.<sup>7</sup>

**The invention is not obvious even after combining Eliat with Korilis, Greenhalgh and Lavancy, in any combination.**

After KSR, and perhaps even before KSR, there is no requirement that it be obvious to combine the elements of the references. The real test is, when the elements are combined is the claimed invention obvious? But when Eliat is combined with Korilis, Greenhalgh and Lavancy, in any combination, at least the above element, that each player see a different view, is missing from the combination. Therefore applicant respectfully submits that independent claims 17, 27, 44 and 55 are not obvious over Eliat in view of Korilis, Greenhalgh and Lavancy. Applicant therefore requests that the rejection please be reconsidered and withdrawn.

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<sup>4</sup> See Office Action, page 11, lines 3-5.

<sup>5</sup> “a view of the game that is **respectively customized by the video game server for each of** the at least two players;

<sup>6</sup> See Office Action, page 12, lines 1-9.

<sup>7</sup> Claim 64, for example, uses a server for the various operations, and the fact that the generated video images are “for broadcasting a view of the game that is respectively customized for each of the at least two players” clearly indicates that the customization is performed at the server end, not at the receiver end. The other claims are amended in this regard even more expressly than is claim 64.

Further, since the dependent claims depend, either directly or indirectly, from independent claims 17, 27, 44 and 55, they too are allowable for at least the same reasons. Furthermore, these dependent claims each may contain additional patentable subject matter.

In addition, because new claims 60-79 contain the same or similar limitations as claims 17, 27, 44, and 55, these new claims, too, are allowable for the same reasons discussed above.

### **CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is requested. The Examiner is invited to telephone the undersigned at (530) 889-2402 to facilitate prosecution of this application.

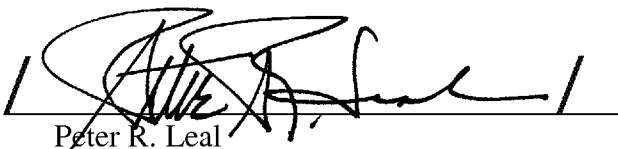
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By



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